

# FTC Examining How Consumer Protection and Privacy May Be Affecting Innovation and Competition; Seeking Input and Will Hold Policy Hearings to Address

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The FTC [announced](#) yesterday that it will accept comments and hold a series of public hearings on consumer protection, privacy, and competition policy and enforcement. The hearings will take place during fall and winter of this year and will evaluate whether recent changes in the economy, technology, or international landscape require adjustments to how the Commission approaches consumer protection, privacy, and competition issues.

The hearings are modeled off of hearings held in 1995 under then-Chair Robert Pitofsky. Those hearings took place amidst the early growth of the internet and e-commerce, featuring panels such as, “The Newest Medium for Marketing: Cyberspace,” “Privacy in Cyberspace,” and “The Changing Role of the Telephone in Marketing.” The 1995 hearings featured panelists from large companies including Walt Disney, General Electric, and Coca-Cola, along with consumer group representatives, regulators, academics, and attorneys from private law firms. The hearings culminated in a two volume report on the state of [consumer protection](#) and [competition](#) policy.

In announcing the 2018 hearings, FTC Chair Joe Simons noted that “the FTC has always been committed to self-examination and critical thinking, to ensure that our enforcement and policy efforts keep pace with changes in the economy.” Simons served as Director of the Bureau of Competition immediately after Pitofsky’s tenure as Chair under then-Chair Tim Muris – and alluded to Pitofsky, Muris and former Chair Kovacic in his [statement](#) announcing the hearings. Simons’ statement also expressed his view that “[t]his project reflects the spirit, style, and, most importantly, broad scope of that effort,” and characterized the efforts as an “all-agency” project that will entail significant efforts from the Bureaus of Consumer Protection, Competition, and Economics, the Office of the General Counsel, the Office of International Affairs, as well as the Office of Policy Planning.

The hearings are intended to “stimulate thoughtful internal and external evaluation of the FTC’s near- and long-term law enforcement and policy agenda,” and “identify areas for enforcement and policy guidance, including improvements to the agency’s investigation and law enforcement processes, as well as areas that warrant additional study.”

In advance of the hearings, the FTC is accepting comments until August 20, 2018 to inform the substance and form of the hearings. The FTC’s request for comments identifies eleven overarching

topics for potential comment but also encourages general industry-specific comments and notes that comments need not be restricted to any identified topic. The Commission will issue a new release before each session to inform the public of the agenda, date, and location of each hearing. Comments will also be accepted after completion of the hearings.

Kelley Drye is ready to assist if your business is considering whether to submit comments to provide input on the agency's approach to consumer protection, privacy, or competition, including feedback on the benefits and burdens faced by the current regulatory framework and policy. Indeed, these hearings present an ideal opportunity for any stakeholder interested in Commission enforcement and policy to have their voices heard. Please also check back for more information as we explore possible topics of interest for the Commission and stakeholders.